

REMARKS

Applicant thanks the Examiner for a thorough examination and response, but respectfully requests reconsideration of the present application in view of the reasons that follow.

Claim 25 is currently being amended.

Claims 27-30 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

It should be noted that claim 25 has been amended to address formal changes for minor stylistic purposes by directing claim 25 to an apparatus instead of a network device. Applicant does not intend to narrow the scope of this claim in any way. Moreover, in the event that such claims are not discussed further herein, Applicant is not surrendering claim scope with regard to the Doctrine of Equivalence. Moreover, if there are any questions concerning this issue, the Examiner is encouraged to contact the undersigned.

In the outstanding Office Action of April 29, 2008, the Examiner rejected claims 1-4, 7-9, 13-16, 19-21, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,801,521 (Shaffer et al.) in view of U.S. Patent No. 6,731,609 (Hirni et al.) Claims 5, 6, 10-12, 17, 18, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer et al., Hirni et al., and further in view of U.S. Patent No. 6,584,093 (Salama et al.) Applicant traverses these rejections for the reasons set forth below.

With respect to independent claims 1, 13, and 25, the Examiner substantially repeated his prior assertions recited in the April 30, 2007 Office Action that Shaffer et al. teaches monitoring control signaling, the control signaling being separate audio, video, and data

streams forming a multimedia stream, and where each of the streams form a separate media component. The Examiner also substantially repeated his prior assertions that Shaffer et al. teaches informing control means about the separate media components, recognizing the separate media components, and applying a connection control to the separate media components. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that Shaffer et al. does not teach or even suggest control signaling being separate audio, video, and data streams, each of which form a separate media component, nor does Shaffer et al. recite or contemplate informing control means about the separate media components or applying a connection control thereto.

As described at length in Applicant's February 8, 2008 response, Shaffer et al. is directed to a system and method of generating call signal tones locally, instead of receiving and processing those call signal tones from an external network. These processes are performed so that bandwidth of a telephony-over-LAN (ToL) is not inefficiently utilized when processing calls from/to end points that are not serviced by the local ToL. (*See, e.g.*, Abstract and column 1, lines 13-55 of Shaffer et al.) That is, Shaffer et al. merely teaches monitoring and/or intercepting telephony call processing signals, blocking those signals, and locally playing an audio file that can substitute or corresponds to the blocked call process signal. (*See, e.g.*, column 1, lines 55-62 and column 4, line 57-column 5, line 5). Hence, in-band signaling, such as that utilized over a conventional plain old telephone (POTS) system or non-SS7-based public switched telephony network (PSTN), can be accommodated by out-of-band signaling systems, e.g., ToL systems using SS7 interconnection standards. As is clearly described in Shaffer et al., and as would be known by those of ordinary skill in the art, call process signals are merely dual-tone multifrequency (DTMF) tones that indicate call processing events, e.g., ringback tones, busy tones, etc. Therefore, locally played audio files which can be utilized as substitutes for call process signals (as described by and utilized in Shaffer et al.) are entirely different and unrelated to separate audio, video, and data streams, each of which can form a separate media component, such as those required by independent claims 1, 13, and 25 of the present application. In addition to the discussion regarding distinctions between call progress signals and the claimed media components in independent claims 1, 13, and 25 in Applicant's February 8, 2008 response, the entirety of which is

incorporated herein by reference in its entirety, Applicant also described that Shaffer et al. fails to teach or suggest any type of separate handling/recognition of the different media components.

At pages 14-15 of the outstanding Office Action, the Examiner in turn responded to Applicant's arguments and maintained that Shaffer et al. does allegedly teach the above-mentioned aspects of independent claims 1, 13, and 25 of the present application. However, Applicant submits that the Examiner is still mischaracterizing the teachings of Shaffer et al. In particular, it appears that the Examiner is mistakenly associating general characteristics of, e.g., H.323 communications/terminals, with the call process signal substitution to which the system and method of Shaffer et al. is actually directed.

For example, at pages 14-15 of the outstanding Office Action, the Examiner cited to several sections of Shaffer et al. that generally describe the capabilities of, e.g., H.323 terminals, as being able to "handle" various types of media streams and monitoring in-band signaling. However and in contrast to the Examiner's assertions, the monitoring of Shaffer et al. with respect to the in-band signaling (or out-of-band signaling) is performed only with respect to call progress audio signals. Column 3, lines 55-58 of Shaffer et al. indicate, for example, that "[t]he signal generation unit 109 is configured to recognize, store and generate call progress tones." Column 4, line 32-Column 5, line 55 indicate that:

The memory 800 stores audio files 802a, 802b of the call progress tones to be played back locally....

The in-band signaling monitor 107 may be configured to recognize and intercept in-band call progress audio signals which otherwise would occupy LAN bandwidth....

According to a second embodiment of the invention, the gateway 106 itself stores in the memory 852 a table 853 identifying which H.323 terminals are provided with local audio files of particular call progress tones....

In a step 508, the H.323 terminal 102, which began the call begins monitoring for call progress signals, such as busy signals or ringback signals, which are provided from the gateway 106. In a step 510, the H.323 terminal compares the incoming call progress signals to its stored database of

signals.... If the call progress signals are recognized, then in a step 530, the H.323 terminal 102 sends a known disconnect message to the gateway 106. The H.323 terminal 102.... accesses its audio files 802 from the memory 800 in a step 532. The corresponding audio file 802 is then locally played back via the H.323 terminal 102's audio I/O.... (emphasis added).

That is, Applicant again submits that Shaffer et al. is clearly directed solely to recognizing call progress signals and substituting those tones with locally generated tones at a terminal. However, these call progress signals cannot be reasonably interpreted to read on the claimed separate audio, video, and data streams as recited in independent claims 1, 13, and 25 of the present application. Call progress signals are simply not the same “audio” that comprise actual media streams. To wit, an audio stream would be representative of the voice communications being transmitted in a multimedia stream for example. On the other hand, the call progress signals of Shaffer et al. merely refer to, e.g., ringback or busy tones that a caller or called party might hear upon initiating/receiving/attempting to initiate some type of communication.

Furthermore, Applicant submits that Shaffer et al. neither teaches nor even remotely suggests that any type of monitoring of control signaling, informing, or recognition is directed to separate streams/media components. As described above, Shaffer et al. is concerned only with call progress signals.

Additionally, the Examiner asserted at page 4 of the outstanding Office Action that:

-applying, in the routing means, a connection control issued by the control means to the separate media components (column 5, lines 1-6, 24-45, 55-67)(column 6, lines 1-15), which permits signaling messages related to the separate media components to be respectively modified and permits the signaling messages to be separately related to each of the separate media components related to each of the respective signaling messages.

The reference [Shaffer et al.] teaches a connection command (connection control) issued by the gateway which comprises control (control means) to block the signal (separate media components) through the gateway (routing means).

At page 15 of the outstanding Office Action, to further support his position, the Examiner asserted that Figure 2 of Shaffer et al. and column 3, lines 59-67 provides that H.323 terminals are able to handle separate media components.

Applicant submits that the above-cited sections of columns 5 and 6 of Shaffer et al. are merely directed to the process of monitoring for call progress signals. It should further be noted that Shaffer et al. is clear in that the call progress signals “are provided from the gateway 106.” (*See, e.g.*, column 5, lines 35-38 of Shaffer et al.) Throughout the outstanding Office Action, the Examiner has asserted that the H.323 terminals of Shaffer et al. are being interpreted to read on the claimed “two end-points,” as for example, at page 14 of the outstanding Office Action. Therefore, Applicant submits that it is impossible for the process of monitoring (at one H.323 terminal) call progress signals from a gateway to be interpreted as the claimed monitoring of control signaling between two end-points.

Furthermore, nothing in columns 5-6 of Shaffer et al. describe at least, e.g., modifying signaling messages related to separate media components and permitting the signaling messages to be separately relayed to each of the separate media components related thereto as required in independent claims 1, 13, and 25 of the present application. That is, in addition to merely describing a process whereby locally generated tones at an H.323 terminal are substituted to gateway-generated tones, Shaffer et al. at column 3, lines 59-67 merely describe that the actual media streams are formatted into messages for output to a network interface. However, independent claims 1, 13, and 25 require that signaling messages associated with the separate media components are modified, not the actual media streams themselves. Moreover, independent claims 1, 13, and 25 require that the modified signaling messages are separately relayed to each of the separate media components. Again, nothing in Shaffer et al. describes or even contemplates the ability to separately relay signaling messages to the media components. Instead and for example, column 3, lines 59-67 of Shaffer et al. merely describe how media streams would be routed.

At page 4 of the outstanding Office Action, the Examiner correctly recognized that:

Shaffer fails to teach permitting signaling messages related to the separate media components to be respectively modified and

permits the signaling messages to be separately relayed to each of the separate media components related to teach of the respective signaling messages.

However, the Examiner asserted that Hirni et al. cures these deficiencies of Shaffer et al. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that the Examiner has contradicted himself in light of his earlier assertions with respect to Shaffer et al., and that nothing described in Hirni et al. reads on any of the claimed limitations recited in independent claims 1, 13, and 25 of the present application. Furthermore, Applicant submits that even if it would be obvious to combine the teachings of Shaffer et al. and Hirni et al., the resulting system and/or method would still not teach all of the required limitations recited in independent claims 1, 13, and 25 of the present application.

First and with respect to the aforementioned contradiction, Applicant submits that as described above, the Examiner asserted at page 4 of the outstanding Office Action that Shaffer et al. teaches permitting "signaling messages related to the separate media components to be respectively modified..." However and also at page 4 of the outstanding Office Action, the Examiner asserted that Shaffer et al. fails to teach this very claimed limitation but that Hirni et al. allegedly cures this deficiency of Shaffer et al. As indicated in Applicant's previously filed response of February 8, 2008, it was unclear whether this apparent contradiction was intentional. Because the Examiner has failed to address Applicant's arguments regarding this issue and has repeated this rejection, Applicant must assume that the Examiner is aware of this contradiction and believes it to be a proper rejection. Applicant disagrees and submits that it is entirely improper for the Examiner to first indicate that a cited prior art reference teaches a certain limitation and then immediately thereafter contradict himself by asserting that the same certain limitation is not taught by the cited prior art reference. Therefore, Applicant submits that the rejection of independent claims 1, 13, and 25 of the present application is improper and unresponsive.

Second and as also described in Applicant's February 8, 2008 response, Hirni et al. teaches a system and method of conducting a multimedia telephonic conference call with an agent system, e.g., an automatic call distributor (ACD)/call center. (*See, e.g.,* Abstract and column 8, line 25-column 13, line 29). Although Hirni et al. contemplates multimedia

communications, Hirni et al. merely describes call setup and control processing using a Q.931 component. However, the Q.931 component is simply a component of a protocol stack 72, where the Q.931 component provides an interface for call setup of H.323 calls, breakdown, notification of incoming call events, etc. (*See, e.g.*, column 14, lines 17-52).

In contrast, independent claims 1, 13, and 25 of the present application require the ability to permit signaling messages related to the separate media components to be respectively modified and relayed to each of the separate media components. In other words, the Q.931 component, being a component of a protocol stack for interfacing, is entirely unrelated to a separate media component, while the separate media components recited in independent claims 1, 13, and 25 of the present application can include audio, video, and data streams. Therefore, Applicant submits that Hirni et al. fails to cure the deficiencies of Shaffer et al. already discussed above.

In further responding the above arguments, the Examiner asserted at, e.g., page 16 of the outstanding Office Action, that Figures 2b, 13, and 14 and column 15, lines 9-14, 21-30, and 41-59 of Hirni et al. teach the claimed “monitoring in a routing means of control signals between two end-points...” Applicant again disagrees with the Examiner’s position. In particular, Applicant submits that nothing in these cited sections of Hirni et al. is related to “monitoring.” For example, Figures 2b, 13, and 14 merely illustrate a general architecture and message flow for communicating in a conference call. (*See also, e.g.*, column 6, lines 21-65 of Hirni et al.) In no way is this indicative of any type of monitoring as disclosed in independent claims 1, 13, and 25 of the present application. Likewise, column 15 merely describes how media streams are processed, but again, in no way suggest the monitoring claimed in independent claims 1, 13, and 25 of the present application.

Moreover, the Examiner asserted at pages 15-16 of the outstanding Office Action that Hirni et al. allegedly describes permitting signaling messages to be modified and separately relayed to separate media components. Applicant again disagrees. In particular, Applicant submits that nothing in Hirni et al. describes or suggests any sort of modification to any signaling. That is, columns 16-18 of Hirni et al. (which the Examiner relied upon to support his assertions) merely describe call routing in a conference environment. In fact, column 18

of Hirni et al. describes terminating calls and closing media channels. There would be no way to monitor signaling or apply connection control which permits the modification of signaling messages if there are no calls/media channels to perform such processes on.

In contrast to Hirni et al. however, independent claims 1, 13, and 25 of the present application require at least the modification of signaling messages related to separate media components and separately relaying those signaling messages to separate media components, where control signaling is monitored between two end-points. Applicant submits that in no way can merely “directing the message to Q.931 component” be reasonably interpreted to read on the claimed modification of signaling messages. Instructing where a message should be transmitted in no way suggests that the message is modified. Applicant directs the Examiner to, e.g., page 2, line 28-page 3, line 4 and page 9, line 33-page 11, line 17 of the present application. There it is described that when a media stream is established directly between endpoints according to H.323 and SIP specifications, the separate media components are not visible to an SCP, and that, e.g., logical channels corresponding to separate media components are made recognizable. Applicant submits that nothing in Shaffer et al. or Hirni et al. contemplate such communications that require, e.g., the claimed processes of the present application. Moreover and again, there would be no way to monitor signaling or apply connection control which permits the modification of signaling messages if there are no calls/media channels to perform such processes on, nor would this be necessary in the environments in which the systems and methods of Shaffer et al. and Hirni et al. operate. Therefore, Applicant submits that Hirni et al. fails to cure the deficiencies of Shaffer et al., and that even if Shaffer et al. and Hirni et al. were combined, the resulting system and method would not result in the claimed invention as recited in, e.g., independent claims 1, 13, and 25 of the present application.

Applicant submits that neither Shaffer et al. nor Hirni et al. teach all of the required limitations of claims 2-4, 7-9, 14-16, 19-21, and 26 for at least the same reasons as those discussed above, i.e., Shaffer et al. and Hirni et al. fails to recite any element, process, operation, etc. that is even remotely related to separate media components, e.g., audio, video, and data streams.

With regard to claims 5, 6, 10-12, 17, 18, and 22-24 of the present application, Applicant incorporates the arguments presented in Applicant's February 8, 2008 response herein by reference in their entirety. That is, Applicant again submits that Salama et al. merely teaches a system and method of inter-domain routing of calls, where calls can be routed directly through terminals and Q.931 and H.245 signaling may flow through a gatekeeper. As described above, the Q.931 is a protocol component, not a separate media component, for establishing a connection, e.g., call setup. (*See, e.g.*, column 2, lines 48-50 of Salama et al.) H.245 signaling, on the other hand, can refer to a signaling protocol responsible for call control as described at column 2, lines 51-54 of Salama et al. Applicant submits that these components are merely parts of a signaling protocol and having nothing to do with separate media components. Furthermore, column 3, lines 1-15 and 22-44 of Salama et al. merely describe a call setup procedure involving call authorization, addressing, and accounting.

In contrast, claim 5 of the present application, for example, requires that media component control signaling messages, where the media components are audio, video, and data (as recited, for example, in independent claim 1 of the present application), are routed via media proxy means. Because the Q.931 and the H.245 signaling merely relates to, e.g., call setup, no reasonable interpretation thereof can read on media component control signaling, let alone requesting reports of media component related events and providing information related thereto. Therefore, Salama et al. fails to teach the required limitations of claim 5.

Although the Examiner attempted to rebut Applicant's arguments at pages 17-18 of the present application, as with Shaffer et al. and Hirni et al., Applicant submits that the Examiner continues to misinterpret the teachings of Salama et al. For example, the Examiner asserted that receiving a SIP request and responding with addressing information as to where a call should be forwarded allegedly reads on the limitations recited in, e.g., claim 5 of the present application. (*See, e.g.*, page 17 of the outstanding Office Action). Again, Applicant submits that this section in Salama et al. is nothing more than a general description of conventional SIP call processing/routing.

In contrast to Salama et al., claim 5 of the present application requires at least that a report of media component related events from media proxy means. For example, page 11, lines 13-21 describe that media even reports refer to, e.g., detection points that can define message types, message parameter values, value ranges within a given type, etc. Therefore, Applicant submits that in no way can receiving a routing address be reasonably interpreted to read on the claimed limitations recited in, e.g., claim 5 of the present application.

Moreover, Applicant submits that Salama et al. also fails to cure the deficiencies of claims 6, 10-12, 17, 18, and 22-24 for at least the same reasons as discussed above with regard to Shaffer et al. and Hirni et al., i.e., Salama et al. fails to recite any element, process, operation, etc. that is even remotely related to separate media components, e.g., audio, video, and data streams.

Lastly, claims 27-30 have been added. Applicant submits that the limitations recited in these newly added dependent claims are at least substantially similar to those limitations recited in, e.g., dependent claims 2-4 and 7. Because the substance of new claims 27-30 are substantially similar to that included in, e.g., claims 2-4 and 7, Applicant submits that none of the cited prior art references teaches all of the limitations recited in claims 27-30 for at least the same reasons as those described above, and that no new search is needed to verify the patentability of these claims.

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the required limitations of independent claims 1, 13, and 25 of the present application, Applicant submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 2-12, 14-24, and 26 are each directly or indirectly dependent upon independent claims 1, 13, and 25, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above with respect to the independent claims and dependent claim 5.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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